

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE)	
INTEL CORP. MICROPROCESSOR)	MDL No. 05-1717-JJF
ANTITRUST LITIGATION)	
)	
)	
PHIL PAUL, <i>on behalf of himself</i>)	Civil Action No. 05-485-JJF
<i>and all others similarly situated,</i>)	
)	
Plaintiffs,)	CONSOLIDATED ACTION
)	
v.)	
)	
INTEL CORPORATION,)	
)	
Defendant.)	
)	

**NOTICE OF PLAINTIFFS' RESPONSE TO DEFENDANT INTEL
CORPORATION'S SUPPLEMENTAL AUTHORITY**

Defendant Intel Corporation's citation to *In re Monosodium Glutamate Antitrust Litigation*, No. 05-4303, 2007 WL 414358 (8th Cir. Feb. 8, 2007), does not support its motion to dismiss for lack of subject matter jurisdiction. The claim in *Monosodium Glutamate* was for damages from "foreign supra-competitive prices paid by appellants" in "transactions that occurred outside the United States." Notice of Supp. Auth. Ex. A, at 2, 8. In contrast, in this case, Plaintiffs' claims arise from their overpayments for Intel x86 microprocessors purchased in the United States.

The *Monosodium Glutamate* court addressed only the second prong of the domestic commerce exception of the Foreign Trade Antitrust Improvements Act ("FTAIA"). That prong limits the exception to situations where the direct domestic effect of the foreign conduct "gives

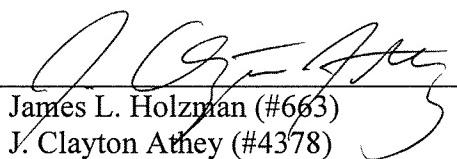
rise to a [Sherman Act] claim.” 15 U.S.C. § 6a(2). Intel does not even dispute that this prong is satisfied here. Intel’s restraint is well founded, as Plaintiffs allege that the domestic effect of Intel’s foreign anticompetitive conduct included reduced competition and increased prices for Intel’s x86 microprocessors sold in the United States. *See Compl.* ¶ 234. The increased prices for Intel’s x86 chips in the United States are what give rise to Plaintiffs’ claims. *See id.*

Intel’s challenge under the Foreign Trade Antitrust Improvements Act has focused instead on the first prong of the FTAIA’s domestic commerce exception – whether the alleged foreign conduct has a “direct, substantial, and reasonably foreseeable effect” on domestic commerce. 15 U.S.C. § 6a(1). The court in *Monosodium Glutamate* did not address this first prong.

Dated: February 20, 2007

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CERTIFICATE OF SERVICE

I, J. Clayton Athey, hereby certify that on this 20th day of February, 2007, I caused the foregoing **NOTICE OF PLAINTIFFS' RESPONSE TO DEFENDANT INTEL CORPORATION'S SUPPLEMENTAL AUTHORITY** to be served on the following counsel via electronic filing:

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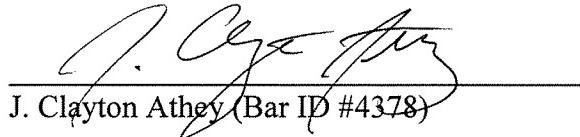
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